

state court, however, the United States Code bars removal of that matter to federal court:

A civil action in any State court against a railroad or its receivers or trustees, arising under sections 1-4 and 5-10 of the Act of April 22, 1908 (45 U.S.C. 51-54, 55-60), may not be removed to any district court of the United States.

45 U.S.C. § 1445(a); *see also, e.g., Andricola v. National R.R. Passenger Corp.*, 745 F. Supp. 311, 312-13 (E.D. Pa. 1990).

Plaintiffs' Complaint raises claims exclusively under FELA. Section 1445(a) clearly bars removal of this action from state court to a federal district court. Perhaps recognizing the futility of litigating this action in this Court, Defendant has not filed any opposition to Plaintiffs' motion to remand. This Court will remand this matter to the Superior Court of New Jersey.

Conclusion

For the foregoing reasons, Plaintiffs' motion to remand is hereby GRANTED. This matter is hereby REMANDED to the Superior Court of New Jersey, Middlesex County, Law Division.

Newark, New Jersey
Dated: October 3, 2006

/s Harold A. Ackerman
U.S.D.J.